

THIRTIETH DAY

(Monday, March 9, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, we would begin this new day by laying aside every weight, and the sins that so easily beset us, and work with patience the problems now before us. When evening comes, day is done, give us the inner joy of a work well done. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 5th, was dispensed with and the Journal was approved.

Senate Resolution 161

Senator Aikin offered the following resolution:

Whereas, Mr. and Mrs. Frank Stone, accompanied by their son, Roy Tom Stone, are visitors in the Capitol today; and

Whereas, The Senate is delighted to have these outstanding citizens of Northeast Texas as our guests; therefore, be it

Resolved, That a hearty welcome be extended to these distinguished citizens.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented Roy Tom and Mr. and Mrs. Stone to the Members of the Senate.

Senate Resolution 162

Senator Herring offered the following resolution:

Whereas, The Governor of Texas, by official proclamation, designated March 6, 1959, as State Song Day in Texas; and

Whereas, Senate Resolution No. 154 was adopted by the Senate and provided that arrangements be made for the official State song, "Texas, Our Texas," to be sung in the Senate in observance of the day; and

Whereas, The Senate was greatly privileged to have an ensemble from the Concert Choir of Austin High School, under the direction of Miss Emma Virginia Decherd, sing "Texas, Our Texas"; and

Whereas, This talented group of students was composed of: Marilyn Blackstone, Mary J. Burcham, Meta Butler, Jim Chapman, Patty Campbell, Janet Coffman, Chris Crow, Kay Davis, Ross Dickinson, Eugene Edwards, Dina Eitelman, Sandy Ewell, Joe Greenhill, Marion Holmes, Judy Johnson, Sue Krueger, George Lewis, Billy Meyers, Jane Morton, Missy Owen, Sally Rose, Janet Sandberg, Susie Snowden, Tommy Tiemann and Charlotte White; and

Whereas, It is the desire of the Senate of the Fifty-sixth Legislature of the State of Texas to thank this fine group of young men and women for their outstanding and inspirational performance; now, therefore, be it

Resolved, That an enrolled copy of this Resolution be sent to every member of this choral group and their very capable director as a token of the sincere appreciation of the Members of the Senate for their contribution to the observance of State Song Day.

HERRING

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Parkhouse:

S. B. No. 288, A bill to be entitled "An Act to amend Chapter 277, Acts of the 55th Legislature, R.S., as it amended Article 5115, Revised Civil Statutes, relating to the inspection and standard setting of county jails, and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 289, A bill to be entitled "An Act authorizing any nonprofit corporation incorporated under the laws of this State for charitable purposes and affiliated or associated with a medical center having a recognized medical school and which has for its purpose the support of medical facilities dedicated to the use and benefit of the public, situated in certain counties, to exercise the power of eminent domain; providing for the conveyance or leasing of such property under certain conditions; granting the right of reverter to the original owner upon abandonment of purpose; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 290, A bill to be entitled "An Act amending Chapter 75, Acts of the Regular Session of the 50th Legislature (relating to the Texas Municipal Retirement System), as heretofore amended, in the following particulars: amending Subsections 25 and 26 of Section II of said Act; amending Subsection 1 of Section IV (a) of Subsection 2 of Section IV of said Act; amending paragraph (a) of Subsection 1 of Section V and Subsections 6 and 7 of Section V of said Act; amending all of Section VII of said Act; amending Subsection 6 of Section VIII of

said Act; and further amending said Act by adding thereto a new section providing for establishment and operation of a "Supplemental Benefits Fund" as an additional and separate fund within the System to provide supplemental benefits for disabilities sustained as a direct result of performance of duty by designated employees of municipalities electing to participate in said Fund; providing for contributions to said Fund by municipalities electing to participate therein, and prescribing the terms, conditions and obligations of such participation; and declaring an emergency."

To the Committee on State Affairs.

By Senator Moffett:

S. B. No. 291, A bill to be entitled "An Act authorizing Wichita County Water Control & Improvement District No. 1 to extend its boundaries to include the total area of a city or town when the total area of such city or town, or apportion thereof, is included within the boundaries of the district; providing for notice of hearing on the question of annexation; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Lane:

S. B. No. 292, A bill to be entitled "An Act to provide that for the remainder of the fiscal year ending August 31, 1959, that twenty (20%) percent of the penalties recovered by suit and judgment by the Attorney General of Texas in the enforcement of the Anti-trust Laws of Texas shall be deposited into a special account in the State Treasury; making an emergency appropriation to the Attorney General of such funds; providing that this appropriation shall supplement the appropriation to the Attorney General's Office contained in House Bill 133, Acts of the 55th Legislature, Regular Session, 1957, Chapter 385, providing the purposes for which the monies can be expended; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 293, A bill to be entitled "An Act amending Article 10.05 and Article 10.18 of the Insurance Code; relating to the payment of benefits of a fraternal benefit society; pro-

viding that fraternal benefit societies except those whose admitted assets are less than the sum of their accrued liabilities and reserves, may not be required to segregate their funds; and declaring an emergency."

To the Committee on Insurance.

By Senator Hazlewood:

S. B. No. 294, A bill to be entitled "An Act requiring licensing of commercial driving schools and instructors in driving schools; setting forth certain definitions, fees, qualifications, exceptions, procedures and grounds for revocation of licenses; containing certain safety and insurance requirements; providing penalties; repealing all laws in conflict; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Baker:

S. B. No. 295, A bill to be entitled "An Act amending Section 72 of the Texas Probate Code, Chapter 55, Page 88, of the Acts of the 54th Legislature, 1955, to provide for administration of the estates of persons whose deaths shall be proved by circumstantial evidence satisfactory to the court but concerning whose death there is no direct evidence; providing for limitation of liability of the representatives of such estates and of others who shall deal with such representatives acting under orders of the court; providing for restoration of the remaining estate of such persons if proved to be living; providing for restoration of proceeds of sale of property sold to bona fide purchasers for value; providing for liability on the bond of representatives; repealing all laws in conflict therewith; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Gonzalez:

S. B. No. 296, A bill to be entitled "An Act ratifying, confirming and validating Bexar County Water Control and Improvement District No. 16 and declaring it to be a validly existing and operating conservation and reclamation district under Section 59, Article 16, Constitution of Texas; ratifying, confirming and validating the organization, petition, creating order, organizing minutes, surety bonds of directors, present Board of Directors, individually and collectively,

exclusion proceedings, bond election proceedings, bond election, plan of taxation proceedings, appointment and actions of tax assessor and collector and board of equalization, tax rolls, bond order, contracts, notices, area and boundaries and the proceedings and actions of the Board of Directors, and related matters; ratifying, confirming and validating all acts and proceedings of the Board of Directors except order repealed by said Board; ratifying, confirming and validating the bonds, sale of bonds and related matters, and providing that said bonds when approved by the Attorney General, registered by the Comptroller, and delivered to purchaser or purchasers, shall be incontestible; finding and determining that the lands and other property within said District are, and will be benefited; declaring district a governmental agency, body politic and corporate and municipal corporation; exempting the property and bonds of the district from taxation and related matters; making bonds eligible for investments; making certain findings; providing for a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Gonzalez:

S. B. No. 297, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, Constitution of Texas, to be known as 'Bexar County (Oak Hills) Water Control and Improvement District'; defining the boundaries of the District; finding field notes and boundaries form a closure and related matters; providing for a governing body of the District; providing for qualifications and bonds of directors and first board of directors, providing for terms and election of directors and provisions for failure to hold director elections; providing for appointment of directors to fill vacancies, providing for fees of directors, providing for organization of board of directors; providing for employment of engineers, attorneys, and other employees; providing for the annexation of additional land; conferring upon the District the rights, powers, privileges and duties of the General Laws of Texas governing water control and improvement districts where not in conflict with this Act; finding a benefit to all land and other property

within District; providing District is created to serve public use and benefit; providing for no election for confirmation and no hearings for exclusions; adopting the ad valorem plan of taxation for the District; authorizing the District to acquire or construct facilities necessary to the fulfillment of the purposes of the District; authorizing the District to construct ditches and storm sewers and sanitary sewer facilities; making applicable to the District Title 52, Revised Civil Statutes, as amended, relating to eminent domain and declaring the District to be a municipal corporation within the meaning of Article 3268 of said Title 52; providing that the District shall bear the expense of relocation, raising or re-routing of any highway, railroad or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing for the issuance of negotiable interest bearing bonds and refunding bonds secured by ad valorem taxes, net revenues or by both ad valorem taxes and net revenues; providing for bonds and refunding bonds to be approved by the Attorney General and registered by the Comptroller and providing for incontestability and negotiability of such bonds and refunding bonds; prescribing powers of District; providing for the method and manner of issuing bonds and refunding bonds; defining terms; providing for pledges of revenues; providing for bond proceeds use; providing for sale of bonds; providing for investments of bond proceeds; providing for receiver; providing for bond election; making bonds eligible investments; exempting property of the District and the bonds of the District from taxation; constituting District a governmental agency and body politic and corporate and a municipal corporation; providing for depository; providing for Tax Assessor and Collector and Board of Equalization, and method for levy and collection of taxes in District; authorizing District to buy and sell water within and without District; providing for parks and recreational facilities; providing for certain provisions for construction contracts; enacting other provisions related to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Gonzalez:

S. B. No. 298, A bill to be entitled

"An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, Constitution of Texas, to be known as 'Bexar County (Lackland) Water Control and Improvement District'; defining the boundaries of the District; finding field notes and boundaries form a closure and related matters; providing for a governing body of the District, providing for qualifications and bonds of directors and first board of directors, providing for terms and election of directors and provisions for failure to hold director elections; providing for appointment of directors to fill vacancies, providing for fees of directors, providing for organization of board of directors; providing for employment of engineers, attorneys, and other employees; providing for the annexation of additional land; conferring upon the District the rights, powers, privileges and duties of the General Laws of Texas governing water control and improvement districts where not in conflict with this Act; finding a benefit to all land and other property within District; providing District is created to serve public use and benefit; providing for no election for confirmation and no hearings for exclusions; adopting the ad valorem plan of taxation for the District; authorizing the District to acquire or construct facilities necessary to the fulfillment of the purposes of the District; authorizing the District to construct ditches and storm sewers and sanitary sewer facilities; making applicable to the District Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the District to be a municipal corporation within the meaning of Article 3268 of said Title 52; providing that the District shall bear the expense of relocation, raising or re-routing of any highway, railroad or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing for the issuance of negotiable interest bearing bonds and refunding bonds secured by ad valorem taxes, net revenues or by both ad valorem taxes and net revenues; providing for bonds and refunding bonds to be approved by the Attorney General and registered by the Comptroller and providing for incontestability and negotiability of such bonds and refunding bonds; prescribing powers of District; providing

for the method and manner of issuing bonds and refunding bonds; defining terms; providing for pledges of revenues; providing for bond proceeds use; providing for sale of bonds; providing for investments of bond proceeds; providing for receiver; providing for bond election; making bonds eligible investments; exempting property of the District and the bonds of the District from taxation; constituting District a governmental agency and body politic and corporate and a municipal corporation; providing for depository; providing for Tax Assessor and Collector and Board of Equalization, and method for levy and collection of taxes in District; authorizing District to buy and sell water within and without District; providing for parks and recreational facilities; providing for certain provisions for construction contracts; enacting other provisions related to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Gonzalez:

S. B. No. 299, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, Constitution of Texas, to be known as 'Bexar County (Northwest) Water Control and Improvement District'; defining the boundaries of the District; finding field notes and boundaries form a closure and related matters; providing for a governing body of the District, providing for qualifications and bonds of directors and first board of directors, providing for terms and election of directors and provisions for failure to hold director elections; providing for appointment of directors to fill vacancies; providing for fees of directors, providing for organization of board of directors; providing for employment of engineers, attorneys, and other employees; providing for the annexation of additional land; conferring upon the District the rights, powers, privileges and duties of the General Laws of Texas governing water control and improvement districts where not in conflict with this Act; finding a benefit to all land and other property within District; providing District is created to serve public use and benefit; providing for no election for confirmation and no hearings for exclu-

sions; adopting the ad valorem plan for taxation for the District; authorizing the District to acquire or construct facilities necessary to the fulfillment of the purposes of the District; authorizing the District to construct ditches and storm sewers and sanitary sewer facilities; making applicable to the District Title 52, Revised Civil Statutes, as amended, relating to eminent domain; and declaring the District to be a municipal corporation within the meaning of Article 3268 of said Title 52; providing that the District shall bear the expense of relocation, raising or rerouting of any highway, railroad or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing for the issuance of negotiable interest bearing bonds and refunding bonds secured by ad valorem taxes, net revenues or by both ad valorem taxes and net revenues; providing for bonds and refunding bonds to be approved by the Attorney General and registered by the Comptroller and providing for incontestibility and negotiability of such bonds and refunding bonds; prescribing powers of District; providing for the method and manner of issuing bonds and refunding bonds; defining terms; providing for pledges of revenues; providing for bond proceeds use; providing for sale of bonds; providing for investments of bond proceeds; providing for receiver; providing for bond election; making bonds eligible investments; exempting property of the District and the bonds of the District from taxation; constituting District a governmental agency and body politic and corporate and a municipal corporation; providing for depository; providing for Tax Assessor and Collector and Board of Equalization, and method for levy and collection of taxes in District; authorizing District to buy and sell water within and without District; providing for parks and recreational facilities; providing for certain provisions for construction contracts; enacting other provisions related to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Fly:

S. B. No. 300, A bill to be entitled "An Act amending Section I, Chapter 6, Acts of the Forty-third Legislature,

First Called Session, 1933, to clarify the intent of the Legislature with regard to tuition-free exemption benefits for Texas veterans; and declaring an emergency."

To the Committee on Finance.

By Senator Fly:

S. B. No. 301, A bill to be entitled "An Act creating a State Tuberculosis Control Advisory Council, defining the powers of such a Council; designating the membership, providing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 302, A bill to be entitled "An Act amending Section 37 of Chapter 25, Acts of the 39th Legislature, 1925, as amended, relating to the election of directors of Water Control and Improvement Districts; and declaring an emergency."

To the Committee on Water and Conservation.

Bills Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 51, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution comprising certain territory contained within Wichita County, to be known as the 'Wichita County Water Control and Improvement District No. 6,' for the purpose of providing or acquiring a source or sources of water supply for municipal, domestic, industrial and mining uses and processing and distributing the same and for the purpose of providing or acquiring a sanitary sewer system; etc., and declaring an emergency."

S. B. No. 52, A bill to be entitled "An Act transferring criminal jurisdiction in misdemeanor cases from Ellis County District Court to County Court of Ellis County, Texas; providing for the transfer as to pending cases and the enforcement to judgments heretofore rendered; and declaring an emergency."

Senate Concurrent Resolution 24

Senator Herring offered the following resolution:

S. C. R. No. 24, Dedicating and granting to the City of Austin for street and sewer purposes certain easements and rights-of-way of various lands owned by the State of Texas.

Whereas, The convenience, health and safety of the citizens of Texas makes it necessary and desirable to provide improved urban access to the state's Interregional Highway System, and public schools, to preserve adequate sewer service to its state owned institutions, and to seek to assure such institutions adequate water pressure against possible emergencies; and

Whereas, It has been determined that such access, sanitary sewer service and water supply requirements within the City of Austin, may best be obtained by the widening of certain streets abutting state owned property, and by the enlargement or creation of certain sanitary sewer and water lines; and,

Whereas, It has been determined that each of the following described tracts of land should be dedicated to the City of Austin for street, sanitary sewer, or water line purposes, respectively; such tracts and purposes being described as follows:

For Street Purposes

All of the south ten and one-half (10.50) feet of Outlot 5 Division B of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which Outlot 5 Division B was conveyed to the State of Texas by deed dated August 15, 1854, from A. J. Hamilton of record in Volume 142 at page 436 of the Deed Records of Travis County, Texas, the north line of said strip of land ten and one-half (10.50) feet in width being forty and one-half (40.50) feet north of and parallel to the monumented centerline of East 7th Street as established by the Department of Public Works of the City of Austin, Travis County, Texas, and extends from the east property line of Navasota Street to the west property line of Comal Street.

For Street Purposes

0.298 of one acre of land, same being out of and a part of that certain 84.12 acre tract of land out of the J. P. Wallace Survey No. 57 in the

City of Austin, Travis County, Texas, which was conveyed to the State of Texas by warranty deed dated January 13, 1908, of record in Volume 217 at page 465 of the Deed Records of Travis County, Texas, said 0.298 of one acre of land being more particularly described by metes and bounds as follows:

Beginning at the present northwest corner of the said State of Texas tract of land described in the aforementioned deed of record in Volume 217 at page 465 of the Deed Records of Travis County, Texas, same being the present point of intersection between the east line of Lamar Boulevard and the south line of Denson Drive as shown on a map or plat of Sherry-Dale a subdivision of record in Book 4 at page 250 of the Plat Records of Travis County, Texas;

Thence, with the present south line of Denson Drive same being the present north line of the said State of Texas tract of land, South 60° 32' East 650.00 feet to the present most northerly northeast corner of the said State of Texas tract of land, same being the northwest corner of that certain 25.69 acre tract of land conveyed to The Austin Independent School District by Patent dated July 18, 1949, by virtue of H. B. No. 606, Acts of the 51st Legislature of the State of Texas and recorded in Volume 961 at page 292 of the Deed Records of Travis County, Texas, same being the most westerly northwest corner of that certain 2.243 acre tract of land conveyed by the Board of Trustees of the Austin Public Free Schools to the City of Austin for street purposes by deed dated February 25, 1957, of record in Volume 1790 at page 135 of the Deed Records of Travis County, Texas;

Thence, with the present east line of the said State of Texas tract of land, same being the most westerly line of the aforesaid 2.243 acre tract of land, South 29° 48' West 20.00 feet to an iron pin at the southeast corner of the herein described tract of land;

Thence, with the proposed south line of Denson Drive, same being a line twenty (20.00) feet south of and parallel to the present north line of the said State of Texas tract of land, North 60° 32' West 650.00 feet to a point in the present west line of the said State of Texas tract of land, same being the east line of Lamar Boulevard;

Thence, with the west line of the said State of Texas tract of land and the east line of Lamar Boulevard, North 29° 48' East 20.00 feet to the point of beginning.

For Sanitary Sewer Purposes

A strip of land ten (10) feet in width, same being out of and a part of those certain two (2) tracts of land out of the Isaac Decker League in the City of Austin, Travis County, Texas, which were conveyed to the State of Texas by the following two (2) warranty deeds;

(1) Dated March 3, 1858, of record in Volume "M" at page 155, Deed Records of Travis County, Texas, and

(2) Dated March 3, 1858 of record in Volume "M" at page 156, Deed Records of Travis County, Texas, the centerline of said strip of land ten (10) feet in width being more particularly described as follows:

Beginning at a point in the north line of West Elizabeth Street, same being in the south line of the aforesaid State of Texas tract as described in Volume "M" at page 155 Deed Records of Travis County, Texas, and from which point of beginning the southeast corner of said tract bears South 71° 00' East 558.78 feet, and also from which point of beginning a concrete monument in the monumented centerline of West Elizabeth Street as established by the Department of Public Works, City of Austin, Travis County, Texas, bears South 8° 08' West 30.55 feet and South 71° 00' East 36.77 feet;

Thence, North 8° 08' East 95.42 feet to a point;

Thence, North 2° 34' West 244.67 feet to a point;

Thence, North 23° 01' East 146.51 feet to a point;

Thence, North 3° 51' East 116.97 feet to a point;

Thence, North 15° 50' East 165.35 feet to a point;

Thence, North 31° 07' East 1357.40 feet to a point;

Thence, North 18° 26' East 201.60 feet to a point;

Thence, North 28° 31' East 84.22 feet to a point;

Thence, North 26° 04' East 95.20 feet to a point;

Thence, North 65° 44' East 34.10 feet to a point;

Thence, North 8° 34' East 116.66 feet to point of termination in the present west line of the aforesaid State of Texas tract as described in

Volume "M" at page 156, Deed Records of Travis County, Texas, same being the present east line of South First Street, same being the east line of that certain tract of land conveyed to the City of Austin for street purposes from the State of Texas by House Concurrent Resolution No. 81 passed by the 53rd Legislature in its regular session of 1953 and recorded in the General and Special Laws of Texas of the 53rd Legislature Regular Session, 1953 at page 1140, and from which point of termination a concrete monument in the monumented base line of South First Street as established by the Department of Public Works, City of Austin, Travis County, Texas, bears South 28° 23' West 323.15 feet and North 78° 48' West 75.79 feet;

And in addition thereto a temporary working space easement ten (10) feet in width to cover period of original installation is to be retained adjacent and parallel to each side of the above described easement.

For Water Line Purposes

Four (4) strips of land each being thirty (30) feet in width and one (1) tract of land eighty (80) feet in width, the strip of land herein described as Tract No. 1 being out of and a part of that certain 21.875-acre tract of land a portion of the Daniel J. Gilbert Survey No. 8 in the City of Austin, Travis County, Texas, conveyed by a warranty deed dated September 19, 1902, from Robert H. Baker to John L. Peeler, Trustee for the Subscribers to the Fund for the Location and Establishment of a Permanent Encampment Grounds for the Texas Volunteer Guard, of record in Book 183, page 46, Travis County Deed Records. The strip of land herein described as Tract No. 2 being out of and a part of three (3) tracts of land conveyed to the State of Texas by the following three (3) warranty deeds:

1. 0.55 of one acre of land from Frank Roll to the State of Texas, a portion of the Daniel J. Gilbert Survey No. 8, in the City of Austin, Travis County, Texas, recorded in Book 520, page 619, Travis County Deed Records.

2. 0.6669 of one acre of land out of and a part of the Daniel J. Gilbert Survey No. 8 in the City of Austin, Travis County, Texas, conveyed from Alice Akin to the State of Texas, of record in Book 520, page 615, Travis County Deed Records.

3. 3.02-acre tract of land a portion of the George W. Spear League Survey No. 7 in the City of Austin, Travis County, Texas, conveyed from Mark L. Wiginton to the State of Texas, of record in Book 530, page 66, Travis County Deed Records.

The strips of land herein described as Tracts Nos. 3 and 4 being a part of the remaining portion of that certain 96.92-acre tract of land out of and a part of the Daniel J. Gilbert Survey No. 8 and the George W. Spear League Survey No. 7 in the City of Austin, Travis County, Texas, conveyed by a warranty deed to the State of Texas, of record in Book 286, page 330, Travis County Deed Records. Said Tract No. 3 being the north thirty (30) feet of the remaining portion of the said State of Texas 96.92 acre tract of land, said strip of land extending westerly from the east line of the 96.92 acre tract and contiguous with the present south line of West 35th Street. The tract of land herein described as Tract No. 5 being all of that certain tract of land conveyed by a warranty deed from H. A. Wroe and Hal Hailey to the State of Texas, recorded in Book 304, page 494, Travis County Deed Records. The centerline of said tracts Numbers 1 through 4 being more particularly described as follows and Tract No. 5 being more particularly described by metes and bounds as follows:

Tract No. 1 beginning at a point fifteen (15) feet northerly of the south line of Camp Mabry being also the south line of the said 21.875 acre tract of land from which an iron stake set in the northwest corner of the Stelfox 2.0 acre tract of land described in a warranty deed of record in Book 61, page 416, Travis County Deed Records bears South 29° 23' East 15.0 feet and an iron stake set in the northwest corner of that certain tract of land herein described as Tract No. 5 and being that certain tract of land conveyed to the State of Texas by a warranty deed of record in Book 304, page 494, Travis County Deed Records bears South 29° 23' East 15.0 feet and North 60° 37' West 301.65 feet;

Thence 15.0 feet northerly of and parallel to the south line of the said 21.875 acre tract of land in a westerly direction to point of termination in the northeast line of West 35th Street.

Tract No. 2 Beginning at a point in the west line of that certain 0.55

of one acre tract of land from which the northwest corner of said tract bears North 30° 23' East 38.23 feet.

Thence South 51° 57' East 378.0 feet, more or less, to point of termination in the present north line of West 35th Street.

Tract No. 3 Beginning at a point in the east line of the State of Texas 96.92 acre tract of land from which the northeast corner of said 96.92 acre tract bears North 13° 48' East 15.0 feet;

Thence 15.0 feet south of and parallel to the south line of West 35th Street to point of termination in the most northerly west line of said 96.92 acre tract of land.

Tract No. 4 Beginning at a point in the south line of the herein described Tract No. 3 from which the present northeast corner of said 96.92 acre tract of land as fenced and used upon the ground bears South 76° 12' East 153.97 feet and North 13° 48' East 30.0 feet.

Thence South 34° 10' East 183.49 feet to a point;

Thence South 79° 10' East 26.2 feet to point of termination in the east line of said 96.92 acre tract of land.

Tract No. 5 Beginning at a point in the line between the Mabry Tract and Camp Mabry from which the northeast corner of said Mabry Tract bears South 60° 37' East 222.25 feet;

Thence South 29° 03' East 202.0 feet to the north line of West 35th Street;

Thence with the north line of said West 35th Street North 52° 42' West 80.75 feet to a point;

Thence North 29° 03' East 190.9 feet to an iron stake in the south line of Camp Mabry;

Thence South 60° 37' East 80.0 feet to the place of the beginning.

And in addition thereto a temporary working space easement to cover period of original installation is to be retained as follows:

1. A strip of land thirty (30) feet in width adjacent and parallel to the north line of the herein described Tract No. 1.

2. A strip of land fifteen (15) feet in width on each side of the herein described Tract No. 2.

3. A strip of land thirty (30) feet in width adjacent and parallel to the south line of the herein described Tract No. 3.

4. A strip of land fifteen (15) feet

in width on each side of the herein described Tract No. 4.

Resolved by the Senate, the House of Representatives concurring, that in consideration of the benefits which will accrue to the citizens of the State of Texas and the State owned institution affected by reason of widening of streets and the assurance of adequate sanitary sewer facilities and water pressure by the creation of the improvements described herein, there is hereby dedicated and granted to the City of Austin for the purposes indicated, the above described tracts of land.

The resolution was read and was referred to the Committee on Counties, Cities and Towns.

Senate Resolution 163

Senator Reagan offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Weldon Browning of Hawkins, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Reagan by unanimous consent presented the guests to the Members of the Senate.

Senate Concurrent Resolution 25

Senator Lane offered the following resolution:

S. C. R. No. 25, Suspending Joint Rule 9-a to consider S. B. No. 292.

Whereas, The Attorney General of Texas has been extremely busy over recent months in the pursuit of information upon which to base important cases and to try them; and

Whereas, This unusually heavy activity has been necessary in the interest of the citizens of Texas; and

Whereas, A natural result of this increased load has been an increased rate in the expenditure of travel funds authorized by the Legislature in the current appropriation act; and

Whereas, Such travel funds do not

come from the General Revenue Fund of the State but rather are one product of the activity of the Attorney General; and

Whereas, The travel expense fund of the Attorney General is seriously depleted and will be exhausted in possibly two or three weeks; and

Whereas, There is pending in the 56th Legislature S. B. No. 292 which will authorize the expenditure of funds needed for travel for the remainder of the current fiscal year; therefore, be it

Resolved, By the Senate, the House concurring, that Joint Rule 9-a be and the same is hereby suspended for the purpose of allowing each house to consider said S. B. 292 at any time.

The resolution was read.

Senator Lane asked unanimous consent to consider the resolution immediately.

There was objection.

S. C. R. No. 25 was held for referral.

Presentation of Guests

Senator Lane by unanimous consent presented as guests Mr. and Mrs. J. E. (Jimmie) Jones of Center, Texas, to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 114, A bill to be entitled "An Act relating to the addition of territory to certain independent school districts; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act authorizing certain types of property described therein as "urban property" and subject to taxation by certain types of water improvement districts as described therein now existing or hereinafter created, to be excluded from such district by proceedings and conditions as described in the Act; and declaring an emergency."

H. B. No. 247, A bill to be entitled

"An Act authorizing the District Attorney of the 142nd Judicial District of Midland County, Texas, with approval of the Commissioner's Court of said county, to employ stenographers, assistants and special investigators, prescribing their compensation, qualifications, powers, duties, authority, and method of employment; authorizing the Commissioner's Court to furnish automobiles, telephones, typewriters, office furniture, supplies and other items and equipment, travel expenses, and other necessary expenses of the District Attorney's office; empowering the Commissioner's Court of said county to require bond of said stenographers, assistants and special investigators; authorizing the Commissioner's Court of said county to supplement the salary of the District Attorney; repealing laws in conflict; providing a severability clause; and declaring an emergency."

H. B. No. 180, A bill to be entitled "An Act amending Section 2 of Chapter 250, Acts of the Fifty-fourth Legislature, Regular Session, 1955, compiled as Article 8280-167 of Vernon's Civil Statutes, so as to redefine the boundaries of the "Yorks Creek Improvement District"; and declaring an emergency."

H. B. No. 221, A bill to be entitled "An Act amending Section 1, House Bill No. 34, Chapter 22, Acts of the 53rd Legislature, First Called Session, 1954, prescribing an open season on deer in Maverick County and that part of Val Verde County lying East of the Pecos River; and declaring an emergency."

H. B. No. 260, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take or kill squirrels in Rusk County; providing penalties; repealing laws in conflict; and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act authorizing consolidated independent school districts whose names are unduly long to omit the word "consolidated" from their names; and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act to amend Section 1 of Chapter 82, General and Special Laws, Fifty-fourth Legislature, Regular Session, 1955, to provide for the taking of fish by hand or with a seine

or net having meshes of one inch square from the waters of Rains County and the waters of the Sabine River in Van Zandt County; and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act relating to the donation and bequest of human bodies and organs, members and parts thereof, for purpose of advancing medical science or for the replacement or rehabilitation of diseased or worn-out organs, members, and parts of the bodies of living humans; providing how and to whom persons may donate and bequeath human bodies or organs, members, or parts thereof; authorizing the revocation of such bequest and donations and the manner thereof; providing for the removal of the bodies or organs, members, or parts thereof bequeathed or donated, and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act to amend Chapter 445, Acts of the Fifty-second Legislature, Regular Session, 1951, (codified as Article 326k-21, Vernon's Texas Civil Statutes), to provide an additional compensation to the assistant District Attorney of the 27th Judicial District, and providing for payment thereof; to provide an additional compensation for the stenographer of the 27th Judicial District, and providing for payment thereof; providing a severability clause; and declaring an emergency."

H. B. No. 347, A bill to be entitled "An Act to regulate the taking of fish from the waters of Morris County; prescribing penalties; repealing all laws in conflict; and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer or molest same in Morris County for a period of three (3) years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 320, A bill to be entitled "An Act making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill, or possess, any game bird or game animal in Williamson County at any time; to take, kill or trap or attempt to take, kill or trap any fur-bearing animal in said county or to take or attempt to take any fish

or other aquatic life or marine animals from said county by any means or method; providing the powers, duties and authority of the Game and Fish Commission; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wild-life resources of said county; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wild-life resources of said county; defining depletion and waste; providing for the issuance of the antlerless deer permit; providing for a public hearing; providing for the adoption of proclamations, orders, rules or regulations of the Game and Fish Commission and the effective period thereof; providing for the publication of the regulations; providing venue for suits to test the validity of this Act or of the proclamations, rules, regulations or orders of the Commission; providing a penalty; providing for the forfeiture of licenses; defining wild-life resources; repealing certain laws; prescribing a period of time within which the Game and Fish Commission may conclude its investigations, hold its hearings, and promulgate its proclamations, rules, regulations and orders; providing a savings clause; and declaring an emergency."

H. B. No. 349, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take or kill squirrels in Morris County; providing penalties; repealing laws in conflict; and declaring an emergency."

H. B. No. 341, A bill to be entitled "An Act to authorize the Lake Fork Water Control and Improvement District, Number One (1), to levy, assess and collect a special assessment based upon actual benefits received by lands within the District arising from flood water retarding structures and dams in the District constructed by the District; providing maximum amount of assessment, and when assessment may not be levied; providing purposes for which moneys derived from such assessments may be used, and their accounting; providing designation of lands benefitted and amount of benefits; providing assessment lists; providing collection of assessments; providing appeals from assessments levied; providing access to lands for determination of benefits; providing

that assessments shall be lien on lands benefitted and personal liability of owners of land; providing a Permanent Reserve Fund and its investment; providing that all laws not in conflict herewith shall remain in force, and repealing all laws in conflict with this Act; providing validation of the District; and declaring an emergency."

H. B. No. 380, A bill to be entitled "An Act relating to the authority of the Board of Trustees of Crockett Independent School District to appoint a Board of Equalization; amending Section 4, Chapter 16, Acts of the 35th Legislature, 1st Called Session, 1917; and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act to amend the Harris County Road Laws, Acts, 1913, Thirty-third Legislature, Special Laws, Page 64, Chapter 17, as amended, by amending Section 31-C, Acts, 1953, Fifty-third Legislature, Special Laws, Chapter 385, Page 924, H. B. No. 856, providing for a minimum County road width, provide for regulating the acceptance, recording and maintenance of roads, providing that no plat or subdivision shall be filed unless the roads set out therein are of such width and constructed to certain specifications; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act authorizing the Commissioners Courts of Denton and Cooke Counties to pay the District Judge of the 16th Judicial District compensation in addition to the compensation paid by the State; making other provisions relative thereto, providing a severability clause, and declaring an emergency."

H. B. No. 6, A bill to be entitled "An Act constituting Arlington State College a fully State-supported co-educational senior college; prescribing and limiting courses of study; providing an effective date; declaring this Act to be cumulative of existing statutes relating to Arlington State College; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 414, A bill to be entitled "An Act amending Sections 3 and 5 of Chapter 105, Acts of the 52nd Legislature, 1951, as amended, allowing the use of more than one trotline,

each of which shall not be equipped with more than thirty (30) hooks, and allowing the use of minnow seines not in excess of fifty (50) feet in Buchanan Lake only; and declaring an emergency."

H. B. No. 501, A bill to be entitled "An Act making it unlawful to hunt deer with dogs in Morris County; providing penalties; and declaring an emergency."

H. B. No. 429, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Titus County; restoring to said court the civil and criminal jurisdiction granted to county courts by the Constitutional and General Laws of this State; conforming the Jurisdiction of the district court of said county to such change; repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 502, A bill to be entitled "An Act making it lawful to take or kill coypa, or nutria, at any time in Morris County; and declaring an emergency."

S. C. R. No. 23, Relating to the acceptance of a statue of Sam Houston.

S. B. No. 193, An Act fixing the compensation of official shorthand reporters of each judicial district, civil or criminal, and the official shorthand reporters of each county court at law, civil or criminal, in any county having a population of not less than three hundred sixty thousand (360,000) nor more than six hundred twelve thousand (612,000) inhabitants, according to the 1950 Federal Census; providing the time, method, and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency.

H. B. No. 8, An Act to amend Article 2618 of the Revised Civil Statutes of 1925 of the State of Texas, as amended, so as to provide for a four-year college at Tarleton State College; prescribing courses of study; providing an operative date; and declaring an emergency.

H. B. No. 70, An Act amending Chapter 136, Acts of the Regular Session of the Fifty-fifth Legislature relating to the Hospital District covering the city of Amarillo; validating said District and the appointment of the Board of Hospital Managers;

enacting other provisions related to the subject; and declaring an emergency.

H. B. No. 485, An Act to amend the Harris County Road Law, Chapter 17 of the Special Laws of the Regular Session, Thirty-third Legislature, 1913, as amended by Senate Bill No. 245, Special Laws, Fortieth Legislature, 1927, and as amended by House Bill 579, Acts of the Fiftieth Legislature, 1947, by amending Sections 9 and 10 thereof, to provide for the taking of bids and proposals; etc.; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 164

Senator Weinert offered the following resolution:

Whereas, We were honored on Thursday, after adjournment of the Senate with students from the 8th and 9th grades of Marion High School, Guadalupe County, accompanied by their teacher or sponsor, Mrs. Huebinger and Mrs. Hoegenaur; and

Whereas, These students were on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens was here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senate Resolution 165

Senator Fly offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Victoria High School Civics Class (Victoria, Texas), accompanied by their teachers, George Lipscomb, M. Northcutt, Leroy Psencik and E. Y. Seafes; and

Whereas, These students are on an

educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fly by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Bill 292 Re-referred

On motion of Senator Lane and by unanimous consent S. B. No. 292 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Finance.

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Finance:

March 5, 1959.

To the Members of the Fifty-sixth Legislature:

The rapidly increasing load of litigation in all sections of the Attorney General's office has caused the present appropriation for travel to be inadequate. During the present fiscal year the Attorney General, in investigating violations of the anti-trust laws, found it necessary on several occasions to send more than half of his entire staff over the State in assembling evidence to enforce such laws.

As a result of such extensive investigations, the Attorney General recovered in December, 1958, \$120,000 in penalties and placed same in the General Revenue Fund. Other suits are now pending and several cases are now in the investigation stage in which extensive travel is being conducted. During the last biennium a travel deficiency was met by a Governor's deficiency appropriation, which has been exhausted. The work of the entire Department will be greatly im-

peded by lack of funds during the remainder of the current fiscal year.

The anti-trust work of the Attorney General's office has already more than paid for itself, and it is of great importance to the people of Texas that anti-trust investigations and lawsuits be continued for the purpose of preventing monopolies and other unlawful restraints of trade.

I, therefore, submit as an emergency matter, in accordance with Sec. 5 of Art. III of the Texas Constitution, and urge the earliest possible consideration of legislation appropriating twenty per cent of the penalties recovered by the Attorney General in the enforcement of the anti-trust laws during the balance of the fiscal year ending August 31st, for the operation of the Attorney General's office, supplementing the appropriation contained in H. B. 133, Acts of the 55th Legislature, Regular Session 1957, Chapter 385.

Respectfully submitted,
PRICE DANIEL,
Governor.

Senate Concurrent Resolution 21 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the President Pro Tempore laid before the Senate on its second reading the following resolution:

S. C. R. No. 21, Authorizing Board of Regents of the University of Texas to construct certain equipment at McDonald Observatory at Mount Locke.

The resolution was read and was adopted.

Record of Votes

Senators Martin and Fuller asked to be recorded as voting "Nay" on the adoption of S. C. R. No. 21.

Senate Bill 219 on Second Reading

Senator Krueger moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 219 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin

Baker

Bradshaw
Colson
Crump
Dies
Fly
Fuller
Gonzalez
Hardeman
Hazlewood
Herring
Hudson
Kazen
Krueger
Lane
Martin

Moffett
Moore
Owen
Parkhouse
Phillips
Ratliff
Reagan
Roberts
Rogers
Secrest
Smith
Weinert
Willis
Wood

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 219, A bill to be entitled "An Act to amend Article 3930, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 237, Acts of the 55th Legislature, Regular Session, 1957, Chapter 228, relating to fees which the Clerks of the County Courts shall receive for their services; providing a repealing clause, providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 219 on Third Reading

Senator Krueger moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 219 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin
Baker
Bradshaw
Colson
Crump
Dies
Fly
Fuller
Gonzalez
Hardeman
Hazlewood
Herring
Hudson
Kazen
Krueger
Lane

Martin
Moffett
Moore
Owen
Parkhouse
Phillips
Ratliff
Reagan
Roberts
Rogers
Secrest
Smith
Weinert
Willis
Wood

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Senate Bill 129 on Third Reading

Senator Baker moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 129 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Willis
Kazen	Wood
Krueger	

Nays—1

Rogers

Absent

Weinert

The President Pro Tempore laid before the Senate on its third reading and final passage:

S. B. No. 129, A bill to be entitled "An Act to provide that in all cases where two or more responsible bidders submit the lowest and best bids in connection with a proposed county, city, or district contract and these bids are identical in both amount and nature, the Commissioners Court of the county or the governing body of the city or district shall only enter into a contract with one of the responsible bidders and the one bidder shall be selected by casting of lots, and the casting of lots shall be in such a manner as shall be prescribed by the County Judge or Mayor or governing body of the district, as the case may be, and shall be conducted in the presence of the governing body of the county, city or district, at which time all qualified bidders or their legal representatives may also be present; providing that the provisions of this Act shall be applicable to all counties, cities and districts in the State of Texas where bidding is required, regardless of whether the bids are submitted pursuant to the provisions of a General Law, or a Special Law, or a City Charter, or a City Ordinance; providing for a repealing clause; providing for a severability clause; and declaring an emergency."

The bill was read the third time.

Senator Dies offered the following amendment to the bill:

Amend Senate Bill 129 by adding at the end of Section 1 the following:

"Nothing herein shall prohibit the rejection of all bids by the awarding authority."

The amendment was adopted by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent

Weinert

On motion of Senator Baker and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was then passed by the following vote:

Yeas—24

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Dies	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hazlewood	Reagan
Herring	Roberts
Hudson	Secrest
Kazen	Smith
Krueger	Wood

Nays—6

Crump	Ratliff
Fly	Rogers
Hardeman	Willis

Absent

Weinert

Senate Resolution 166

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. Lucille Santos; and group of friends; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the guests to the Members of the Senate.

Senate Bill 61 on Second Reading

Senator Willis moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 61

be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

(Senator Hardeman in the Chair.)

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 61, A bill to be entitled "An Act amending Section 1 of Article 8309 of the Revised Civil Statutes of Texas, 1925, as amended; to re-define the term 'average weekly wages' as used in said Act; and declaring an emergency."

The bill was read the second time.

(President Pro Tempore in the Chair.)

Senator Willis offered the following committee amendments to the bill:

Amend S. B. 61, Section 1, by striking out all of Sub-sections (1), (2) and (3) and inserting in lieu thereof, the following:

(1) If the injured employee shall have worked in the employment in which he was working at the time of the injury, whether for the same employer or not, for at least two hundred (200) days of the year immediately preceding the injury, his average weekly wage shall consist of three hundred (300) times the average daily wage or salary which he shall have earned during the days that he actually worked in such year, divided by fifty-two (52).

(2) If the injured employee shall not have worked in such employment for as much as two hundred (200)

days of the year next preceding the date of his injury, his average weekly wage shall be computed by the Board or the trial court or jury in any manner which may seem just and fair to both parties.

(3) Said wages shall include the market value of board, lodging, laundry, fuel and other advantage which can be estimated in money which the employee receives from the employer as a part of his remuneration.

Amend Committee Amendment No. 1 to Senate Bill No. 61 by striking out the words and figures "two hundred (200)" in Sections (1) and (2) of said committee amendment and inserting in lieu thereof the words and figures "two hundred and forty (240)," wherever they appear.

On motion of Senator Martin and by unanimous consent the reading of the amendments was dispensed with.

Senator Willis offered the following substitute for the committee amendments:

Amend S. B. 61 by striking out all of lines 37 through 55, inclusive, on Page Two of the Printed Bill and inserting in lieu thereof, the following:

"Average weekly wages" shall mean:

(1) If the injured employee shall have worked in the employment in which he was working at the time of the injury, whether for the same employer or not, for at least two hundred ten (210) days of the year immediately preceding the injury, his average weekly wage shall consist of the total amount of wage or salary which he shall have earned during the year that he worked divided by the actual number of weeks worked during said year.

(2) If the injured employee shall not have worked in such employment for as much as two hundred ten (210) days of the year next preceding the date of his injury, his average weekly wage shall be computed by the Board or the trial court or jury in any manner which may seem just and fair to both parties as of the date of injury.

(3) Said wages shall include the market value of board, lodging, laundry, fuel, and other advantage which can be estimated in money which the employee receives from the employer as a part of his remuneration. Any sums, however, which the employer has paid to the employee to cover any special expenses entailed on him by

the act of his employment shall not be included.

The substitute for the committee amendments was adopted.

The committee amendments as substituted were then adopted.

Senator Moore offered the following amendment to the bill:

Amend Senate Bill 61 by adding thereto a new section to read as follows:

"Sec. 1a. Section 7d of Article 8306, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 397, Acts of the 55th Legislature, Regular Session, 1957, is amended to read as follows:

"Sec. 7d. For representing the interest of any claimant in any manner carried from the Board into the courts, it shall be lawful for the attorney representing such interest to contract with any beneficiary under this law for an attorney's fee for such representation, not to exceed thirty-three and one-third (33⅓%) of the amount recovered, such fee for services so rendered to be fixed and allowed by the trial court in which such matter may be heard and determined.

In fixing and allowing such attorney's fees the court must take into consideration the benefit accruing to the beneficiary as a result of such services. No attorney's fees (other than the amount which the Board may have approved) shall be allowed for representing a claimant in the trial court unless the court finds that benefits have accrued to the claimant by virtue of such representation, and then such attorney's fees may be allowed only on a basis of services performed and benefits accruing to the beneficiary.

Provided, however, in the event an appeal or proceeding in error is taken to an appellate court by any party, the attorney shall receive for his fee and amount not to exceed one-third (⅓) of the amount recovered."

The amendment was adopted.

Record of Votes

Senators Parkhouse, Bradshaw and Moffett asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Moore and by unanimous consent the caption was

amended to conform to the body of the bill as amended.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

The bill as amended was passed to engrossment.

Senate Bill 61 on Third Reading

Senator Willis moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 61 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—2

Bradshaw	Parkhouse
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Parkhouse and Ratliff asked to be recorded as voting "Nay" on the final passage of S. B. No. 61.

Senate Bill 64 on Second Reading

Senator Roberts moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 64 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Roberts
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Hudson	Willis
Kazen	Wood
Krueger	

Nays—1

Reagan

Present—Not Voting

Rogers

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 64, A bill to be entitled "An Act amending Section 8 of Chapter 245, Acts of the 51st Legislature, Regular Session, 1949 (Section 8 of Article 5221a-6, Vernon's Texas Civil Statutes), relating to fees which Private Employment Agents or Agencies may charge applicants for employment; and declaring an emergency."

The bill was read the second time.

Senator Roberts offered the following amendment to the bill:

Amend Senate Bill No. 64 by striking out the word "agreed" in line 25 of the printed bill.

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend S. B. No. 64 by changing the period to a comma on line 33 and add the following: and the employer.

The amendment was adopted.

On motion of Senator Roberts and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Vote

Senator Willis asked to be recorded

as voting "nay" on the passage of S. B. No. 64 to engrossment.

Senate Bill 64 on Third Reading

Senator Roberts moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 64 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Colson	Moffett
Crump	Moore
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

Nays—3

Bradshaw	Willis
Rogers	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Krueger
Baker	Lane
Colson	Martin
Crump	Moffett
Dies	Moore
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Wood

Nays—5

Bradshaw	Rogers
Owen	Willis
Ratliff	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. No. 48, An Act amending Subdivisions 3 and 6, Section 37, Texas Election Code (Subdivisions 3 and 6, Article 5.05, Vernon's Election Code) so as to change the method of voting absentee in person; providing for the casting of such ballots by the special election board, and providing for possible challenge of such ballots as in the case of absentee ballots by mail; amending Section 38, Texas Election Code to make it conform to Section 37 as amended herein; providing for severability; and declaring an emergency.

H. B. No. 120, An Act relating to the treasurer of the school fund in any independent school district of more than one hundred and fifty (150) scholastics; amending Article 2832 of the Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H. B. No. 121, An Act relating to the authority of local units of government to contract regarding the assessing and collecting of local taxes; amending Section 1, 2, and 2a of Chapter 351, Acts of the Forty-ninth Legislature, 1945, as amended; and declaring an emergency.

H. B. No. 124, An Act relating to the authorized investments of insurance companies and particularly the required insurance coverage on collateral; amending Article 2.10, Article 3.34, and Article 3.39 of the Insurance Code of Texas; and declaring an emergency.

H. B. No. 143, An Act relating to the absences of the County Judges from their duties; amending Article 1929 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency.

H. B. No. 144, An Act amending Article 9.14 of the Texas Business Corporation Act, Chapter 64, Acts, 1955, Fifty-fourth Legislature, by amending Section A thereof, and by amending Section E thereof to provide for the exemption of certain existing corporations from the requirements of the Acts relating to name and minimum consideration to be re-

ceived for issuance of shares before commencing business, and by adding a new Section F providing for the filing of a statement designating a registered office and registered agent by certain existing corporations; containing a partial invalidity clause; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 54 Ordered Not Printed

On motion of Senator Reagan and by unanimous consent H. B. No. 54 was ordered not printed.

Senate Bill 264 on Second Reading

Senator Fly moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 264 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 264, A bill to be entitled "An Act repealing Chapter 225, Acts of the 47th Legislature, Regular Session, 1941, as amended, concerning hunting on Lake Corpus Christi; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 264 on Third Reading

Senator Fly moved that Senate Rule 32 and the constitutional rule

requiring bills to be read on three several days be suspended and that S. B. No. 264 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Senate Bill 143 on Second Reading

Senator Herring moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 143 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Baker
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Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 143, A bill to be entitled "An Act to transfer the control and management of the Texas Memorial Museum to the Board of Regents of The University of Texas; repealing all laws or parts of laws in conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 143 on Third Reading

Senator Herring moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 143 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Committee Substitute Senate Bill 88 on Second Reading

Senator Hazlewood moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that C. S. S. B. No. 88 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 88, A bill to be entitled "An Act amending Article 4518, Revised Civil Statutes of Texas, as amended, and relating to the accreditation of Schools of Nursing and Educational Programs, certification of Graduates, requirement of Registration, and Examination by the Board of Nurse Examiners, repealing Article 4518a, Revised Civil Statutes of Texas, providing for minimum qualifications and requirements for such nurses; repealing all laws and parts of laws in conflict herewith; providing for severability and providing the effective date of this Act."

The bill was read second time and was passed to engrossment.

Committee Substitute Senate Bill 88 on Third Reading

Senator Hazlewood moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 88 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 6, To the Committee on State Affairs.

H. B. No. 264, To the Committee on Public Health.

H. B. No. 389, To the Committee on Counties, Cities and Towns.

H. B. No. 247, To the Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 114, To the Committee on Education.

H. B. No. 196, To the Committee on Education.

H. B. No. 227, To the Committee on Game and Fish.

H. B. No. 347, To the Committee on Game and Fish.

H. B. No. 348, To the Committee on Game and Fish.

H. B. No. 320, To the Committee on Game and Fish.

H. B. No. 380, To the Committee on Education.

H. B. No. 349, To the Committee on Game and Fish.

H. B. No. 341, To the Committee on Water and Conservation.

H. B. No. 414, To the Committee on Game and Fish.

H. B. No. 260, To the Committee on Game and Fish.

H. B. No. 501, To the Committee on Game and Fish.

H. B. No. 180, To the Committee on Water and Conservation.

H. B. No. 221, To the Committee on Game and Fish.

H. B. No. 8, To the Committee on State Affairs.

H. B. No. 485, To the Committee on Counties, Cities and Towns.

H. B. No. 70, To the Committee on Counties, Cities and Towns.

H. B. No. 502, To the Committee on Game and Fish.

H. B. No. 429, To the Committee on Jurisprudence.

H. B. No. 207, To the Committee on Water and Conservation.

H. B. No. 301, To the Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 430, To the Committee on Legislative, Congressional and Judicial Districts.

Adjournment

On motion of Senator Hardeman the Senate at 12:03 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.